

**FEE TRANSMITTAL**

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**Complete If Known**

Application Number	09/904665
Filing Date	16 July 2001
First Named Inventor	Ki-Hyub Sung
Examiner Name	Y.H. Chang
Group/Art Unit	2835
Attorney Docket No.	P56406

TOTAL AMOUNT OF PAYMENT

(\$)1,000.00**METHOD OF PAYMENT (check one)****FEE CALCULATION****1. ■ Payment Enclosed:****(CHECK #51831)**
☒ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ Other

☐ Charge Any Additional Fee Required Under 37 C.F.R. §1.16 and 1.17.

☐ Applicant claims small entity status. See 37 CFR 1.27

**2. ■ The Commissioner is hereby authorized to charge any deficiency and credit any over payments to:**
Deposit Account Number: 02-4943**FEE CALCULATION**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
<b>EXTENSION OF TIME FEES</b>					
1251	120	2251	60	Extension for reply within first month	\$
1252	450	2252	225	Extension for reply within second month	\$
1253	1020	2253	510	Extension for reply within third month	\$
1254	1590	2254	795	Extension for reply within fourth month	\$
1255	2160	2255	1080	Extension for reply within fifth month	\$
<b>APPEAL</b>					
1401	500	2401	250	Notice of Appeal	\$
1402	500	2402	250	Filing a brief in support of an appeal	\$
1403	1000	2403	500	Request for oral hearing	\$1000
<b>CLAIMS</b>					
1201	200	2201	100	Independent claims in excess of 3	\$
1202	50	2202	25	claims in excess of 20 (4)	\$
Other Fee (specify) _____ \$					
Other Fee (specify) _____ \$					
Other Fee (specify) _____ \$					

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
<b>MISCELLANEOUS</b>					
1801	\$790	2801	\$395	Request for continued examination (RCE)	\$
1806	\$180			Submission of an IDS	\$
1814	\$130	2814	\$65	Statutory disclaimer	\$
8021	\$40			Recordation of assignment per property	\$
<b>TRADEMARK</b>					
6001/7001			\$335	Application for registration, per class	\$
6002/7002			\$100	Amendment to Allege Use, per class	\$
6003/7003			\$100	Statement of Use, per class	\$
6004/7004			\$150	Request for six-month extension of time, per class	\$
6205/7205			\$100	\$8 affidavit, per class	\$
6208/7208			\$200	\$15 affidavit, per class	\$
6201/7201			\$400	Application for renewal, per class	\$
6403/7403			\$100	Ex parte appeal, per class	\$
<b>PETITION</b>					
1462			\$400	Petitions to Director (Group I)	\$
1463			\$200	Petitions to Director (Group II)	\$
1464			\$130	Petitions to Director (Group III)	\$
1452	\$500	2452	\$250	Petitions to revive unavoidably abandoned application	\$
1453	\$1500	2453	\$750	Petitions to revive unintentionally abandoned application	\$
<b>PATENT MAINTENANCE</b>					
1551	\$900	2551	\$450	Due at 3.5 years	\$
1552	\$2300	2552	\$1150	Due at 7.5 years	\$
1553	\$3800	2553	\$1900	Due at 11.5 years	\$
Other Fee (specify) _____ \$					
Other Fee (specify) _____ \$					
Other Fee (specify) _____ \$					

**SUBTOTAL: LEFT COLUMN** \$1,000.00**SUBTOTAL: RIGHT COLUMN** \$0.00**SUBMITTED BY****Complete (if applicable)**

Typed or Printed Name

Robert E. Bushnell, Esq.

Reg. Number

27,774

Signature

Date

11 December 2006

Deposit Account User ID

REB/kf

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Attorney Dkt.  
P56406

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

KI-HYUB SUNG

Serial No.: 09/904,665

Examiner: Y. H. CHANG

Filed: 16 July 2001

Art Unit: 2835

For: DISPLAY APPARATUS

Appeal No. \_\_\_\_\_


**Mail Stop Appeal Briefs - Patents**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**ATTENTION: Board of Patent Appeals and Interferences**

**APPELLANT'S REPLY BRIEF (37 CFR §41.41)**

Responsive to the Examiner's Answer mailed 11 October 2006, this Reply Brief is in furtherance of the Notice of Appeal filed in this case on 15 September 2005.

Respectfully submitted,

  
\_\_\_\_\_  
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Date: 12/11/06  
I.D.: REB/MDP

**REPLY BRIEF**

**I. STATEMENT OF REAL PARTY IN INTEREST**

Pursuant to 37 CFR §41.37(c)(1)(i) the real party in interest is:

SamSung Electronics Co., Ltd.  
416 Maetan-dong, Yeongtong-gu,  
Suwon-si, Gyeonggi-do,  
Republic of Korea

**II. RELATED APPEALS AND INTERFERENCES**

Pursuant to 37 CFR §41.37(c)(1)(ii), there are no appeals nor interferences known to the Appellant, the Appellant's legal representative, or the Assignee (real party of interest) which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. STATUS OF CLAIMS**

Claims 3, 5-10 and 15-32 are pending. Claims 8, 9, 18 and 19 have been objected to for depending from a rejected base claim. Claims 3, 5-7, 10, 15-17 and 20-32 are finally rejected and appealed herein.

**IV. STATUS OF AMENDMENTS FILED AFTER FINAL REJECTION**

No Amendments have been filed after final rejection.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

**Claim 21** A display apparatus, comprising:

*a panel bearing a screen disposed to display varying visual images; Fig. 2 LCD panel 40; paragraph [0040] " the "active face" of the LCD panel 40 refers to a front face of the LCD panel 40 exposed through display window 16 of the front cover 12, on which the picture is displayed."*

*a panel support holding the panel; Fig. 2, panel support 42*

*a bezel framing a front periphery of the panel; Fig. 2, front cover 12*

*a rear cover removably mating with said bezel while encasing said panel held by said panel support; Fig. 2, rear cover 27*

*at least one rib formed to project from a peripheral surface of a first one of the bezel and the rear cover; Fig. 3, rib 31 of the rear cover 27 paragraph [0044]; Fig. 5, rib 31 to be engaged with the coupling 18 may be formed on skirt 17 of the front cover 12 paragraph [0050] and*

*at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove. Fig. 2, coupling 18 bearing groove 20, paragraph [0044] "The couplings 18 are disposed in proximity to the four corners of the front cover 12. On the plane of each coupling 18 is formed an engaging part, preferably a groove 20 into which a rib 31 of the rear cover 27 is inserted."; Fig. 5, paragraph [0050] " the coupling 18 may be formed to extend from an inner surface 28 of rear cover 27".*

**Claim 3** The display apparatus according to claim 21, further comprising

*at least one tool access hole formed through the rear cover for permitting a tool to be*

*inserted through the rear cover to disengage the coupling and the rib.* Fig. 2, tool access hole 33; paragraph [0048] "A tool access hole 33 is formed in the proximity of rib 31 of rear cover 27 for enabling a user to release the engagement of the coupling 18 and the rib 31. Alternatively (not shown), tool access hole 33 could be formed in skirt 32 between rib 31 and surface 28 of rear cover 27."

**Claim 5** The display apparatus according to claim 21, further comprising

*at least a pair of stops protruding from a rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel.* Paragraph [0051] Referring to Figs. 7 and 8, the front frame 14 of the front cover 12 includes a plurality of stops 21 on its rear face adjacent to the respective couplings 18. Advantageously, each stop 21 is formed from the rear surface 15 of the front frame 14 along the inner surface of the skirt 17, like the coupling 18, so as to reduce the breadth A of the front frame 14.; Paragraph [0052] The stops 21 contact the panel support 42, as shown in Fig. 8, so as to prevent the panel support 42 from moving across the plane of the LCD panel 40.

**Claim 6** The display apparatus according to claim 21, further comprising

*at least four stops disposed to be adjacent to four corner portions of a rear surface of the bezel, and protrude from said rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel.* Fig. 7, at least four stops 21.

**Claim 7** The a display apparatus according to claim 6, wherein

*a hook is formed at a leading edge of each stop for engaging an edge of the panel support.*

Fig. 8, paragraph [0052] "a leading edge of each stop 21 is formed with a hook 23 engaged with a rear corner portion 42a of the panel support 42."

**Claim 8** The display apparatus according to claim 7, further comprising

*a plurality of support ribs protruding from the rear cover so as to be contacted with each stop to force the hook of each stop toward the edge of the panel support to support the engagement of the hook and the edge of the panel support.* Fig. 3, support ribs 34; paragraph [0052] "The rear cover 27 is formed with a plurality of support ribs 34 (see Fig. 3) at the positions corresponding to the stops 21, so as to prevent the stop 21 from being disengaged from the panel support 42 by contacting the stop 21. The support rib 34 presses the hook 23 of the stop 21 toward the panel support 42, thereby preventing the stop 21 from being disengaged from the panel support 42."

**Claim 9** The display apparatus according to claim 7, wherein

*the edge of the panel support is formed with a projection allowing the hook of each stop to overlap the projection to support the engagement of the hook and the edge of the panel support.* Fig. 9, stopper 37; paragraph [0054] "a leading edge of a hook 25 may be inwardly bent, forming a bent part 25', and a stopper 37 may be formed in a rear corner of the panel support 42 so as to prevent the bent part 25' from being disengaged."

**Claim 10** The display apparatus according to claim 21, further comprising

*a skirt of the bezel having a rabbetted edge and a skirt of the rear cover having a rabbetted*

*edge that overlap when said bezel and said rear cover are coupled together.* Paragraph [0049] "As shown in Fig. 4, the skirt 17 of front cover 12 and a skirt 32 of rear cover 27 have rabbetted edges, as shown at "C", such that the rabbets overlap when the front cover 12 and rear cover 27 are assembled together."

**Claim 25** A display apparatus, comprising:

*a panel bearing a screen disposed to display varying visual images;* Fig. 2 LCD panel 40; paragraph [0040] " the "active face" of the LCD panel 40 refers to a front face of the LCD panel 40 exposed through display window 16 of the front cover 12, on which the picture is displayed."

*a bezel framing a front periphery of the panel;* Fig. 2, front cover 12

*a rear cover removably mating with said bezel while encasing said panel;* Fig. 2, rear cover 27

*at least one rib formed to project from a peripheral surface of a first one of the bezel and the rear cover;* Fig. 3, rib 31 of the rear cover 27 paragraph [0044]; Fig. 5, rib 31 to be engaged with the coupling 18 may be formed on skirt 17 of the front cover 12 paragraph [0050] and

*at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a corresponding rib during said mating, wherein the rib is inserted in the groove;* Fig. 2, coupling 18 **bearing** groove 20, paragraph [0044] "The couplings 18 are disposed in proximity to the four corners of the front cover 12. On the plane of each coupling 18 is formed an engaging part, preferably a groove 20 into which a rib 31 of the rear cover 27 is inserted."; Fig. 5, paragraph [0050] " the coupling 18 may be formed to extend from an inner surface 28 of rear cover 27".

**Claim 29** A display assembly, comprising:

*positioning a bezel to frame a front periphery of a panel bearing a screen disposed to display varying visual images; Fig. 2, front cover 12; Fig. 2 LCD panel 40; paragraph [0040] " the "active face" of the LCD panel 40 refers to a front face of the LCD panel 40 exposed through display window 16 of the front cover 12, on which the picture is displayed."*

*aligning at least one rib formed to project from a peripheral surface of a first one of the bezel and a rear cover to engage a groove borne by at least one deformable coupling extending from an inner surface of a different one of the bezel and the rear cover; Fig. 3, rib 31 of the rear cover 27 paragraph [0044]; Fig. 5, rib 31 to be engaged with the coupling 18 may be formed on skirt 17 of the front cover 12 paragraph [0050]; Fig. 2, coupling 18 bearing groove 20, paragraph [0044] "The couplings 18 are disposed in proximity to the four corners of the front cover 12. On the plane of each coupling 18 is formed an engaging part, preferably a groove 20 into which a rib 31 of the rear cover 27 is inserted."; Fig. 5, paragraph [0050] " the coupling 18 may be formed to extend from an inner surface 28 of rear cover 27" and*

*encasing the panel between the bezel and the rear cover when removably mating the bezel with the rear cover by moving the bezel and rear cover together until the rib is inserted in the groove; Paragraph [0058] The rear cover 27 is disposed so as to allow its sides to correspond to those of the front cover 12, and then pressed toward the front cover 12. When the rear cover 27 is pressed toward the front cover 12, each rib 31 formed in the rear cover 27 is engaged with its corresponding groove 20 of the coupling 18 formed in the front cover 12, thereby making the front cover 12 and the rear cover 27 to be coupled to each other. At this time, each support rib 34 formed in the rear cover 27 is contacted with the stop 21 formed in the front cover 12, to press the stop 21 toward the*



support panel 42, thereby preventing the hook 23 of the stop 21 from being disengaged from the support panel 42. Hence, the display apparatus is assembled in a simplified manner according to the present invention.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**A. Claims 5, 6, 21, 24, 25, 28, 29 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura et al. (US 5,768,095).**

**B. Claims 15, 16, 22, 23, 26, 27, 30 and 31 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al.**

**C. Claims 7 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. in view of Lee et al.**

**D. Claims, 3, 10 and 20 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. (not Lee et al.) in view of Sasai et al. (US 6,426,803).**

## VII. ARGUMENTS

A. Claims 5, 6, 21, 24, 25, 28, 29 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura et al. (US 5,768,095). The applicant respectfully traverses this rejection for the following reason(s).

Nakamura fails to disclose all that is claimed. Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

### Claim 21

Claims 21, 25 and 29 call for a 'rib' and the engagement of that rib with a groove borne by a deformable coupling extending from an inner surface of one of a bezel (front cover) and rear cover.

Claim 21 calls for *at least one rib formed to project from a peripheral surface of a first one of the bezel and the rear cover; and at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove* (emphasis added).

Claim 25 calls for *at least one rib formed to project from a peripheral surface of a first one*

*of the bezel and the rear cover; and at least one deformable coupling **bearing a groove, extending from an inner surface** of a different one of the bezel and the rear cover, oriented to embrace a corresponding rib during said mating, wherein the rib is inserted in the groove.*

Claim 29 calls for *aligning at least one rib formed to **project** from a peripheral surface of a first one of the bezel and a rear cover to engage a groove **borne** by at least one deformable coupling **extending from an inner surface** of a different one of the bezel and the rear cover.*

Accordingly, claim 21 stands or fall alone and claims 25 and 29 stand or fall with claim 21.

The Examiner erroneously refers to "an edge portion" Nakamura's notch 57b' as corresponding to the claimed 'rib'. Additionally, the Examiner refers to Fig. 10A, stating that the "rib" is better seen in Figure 10A.

However, what is seen in Figure 10A is in fact better seen when referring to Fig. 8. What the Examiner identifies as a "rib", *i.e., **an edge portion of 57b'***, is clearly **not** a "rib." The definition of a 'rib' (*i.e., something resembling a rib in form, position or use, as a supporting or strengthening part*). Phillips v. AWH Corporation, 415 F.3d 1303 (Fed. Cir. 2005) (en banc), it is "entirely appropriate for a court, when conducting claim construction, to rely heavily on the written description for guidance as to the meaning of the claims."

FIGS. 10A and 10B **are cross-sectional views** of the front bezel 53 taken along line 10--10 in FIG. 6, with FIG. 10A specifically showing the condition when the rear cover 51 is attached, and with FIG. 10B specifically showing the condition when the rear cover 51 is detached.

Additionally, the Examiner has failed to explain how an edge portion of notch 57b' meets the requirement set forth in claim 21 that the rib **project from a peripheral surface**. As can clearly

be seen in Fig. 8, the notch is below the edge of the side wall of front bezel 53, and there is no projection of the edge of notch 57b'.

Accordingly, since the edge portion of Nakamura's notch 57b' does not project from a peripheral surface of the bezel nor the rear cover, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29.

On page 9 of the Examiner's Answer, the Examiner appears to confuse the latch ( "extended portion" as labeled on page 8 of the Examiner's Answer) 57b of rear cover 51, with the notch (supposed rib, labeled "rib" on page 8 of the Examiner's Answer) 57b' of the front bezel 53.

It is not clear how this supposed "rib" (supposed rib, labeled "rib" on page 8 of the Examiner's Answer) 57b' strengthens notch 57b' as suggested by the Examiner since notch 57b' is supposed to be the rib as applied by the Examiner's rejection. Or in other words, it is not clear how "rib" 57b' strengthens "rib" 57b'.

Also, On page 9 of the Examiner's Answer, the Examiner erroneously states that

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Further, claims 21 and 25 call for *at least one deformable coupling **bearing** a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove;* and claim 29 calls for *aligning at least one rib formed to project from a peripheral surface of a first one of the bezel and a rear cover to engage a groove **borne** by at least one deformable coupling extending from*

*an inner surface of a different one of the bezel and the rear cover.*

The Examiner states that Nakamura comprises "at least one deformable coupling (57b, fig. 4) bearing a groove (on the right hand side of the upper end portion of 57b shown in fig. 10A, **labeled in the figures shown on Page 8 of the Examiner's answer**), extending from an inner surface of the rear cover (Fig. 10B), oriented to embrace a correspond rib . . ."

Nakamura's rear cover 51 includes a side wall (see Figs. 4, 10A and 10B) from which latch 57b extends. Note that 57b differs from 57b'.

Nakamura states "The latches 57a and 57b are integrally and symmetrically **formed at the top ends of the side walls** of the rear cover 51" as set forth in Col. 7, lines 9-11. The Examiner refers to latch 57b as corresponding to the claimed 'deformable coupling'.

Accordingly, since Nakamura's latch 57b, is formed **at the top** of the side wall, the requirement of claim 1 that it extend from an inner surface of the rear cover is not met by Nakamura.

Also, on page 9 of the Examiner's Answer, the Examiner erroneously states that Figs. 8 and 10 of Nakamura show that the latch 57b is extended from an inner surface of the rear cover 51.

One must consider all of what the reference discloses, and Nakamura's statement that "The latches 57a and 57b are integrally and symmetrically **formed at the top ends of the side walls** of the rear cover 51" as set forth in Col. 7, lines 9-11, clearly contradicts the Examiner's "interpretation" of what the drawings illustrate.

Considering Nakamura's disclosure in Col. 7, lines 9-11, Figs. 8 and 10 of Nakamura show that the latch 57b is extending inward from **the top ends of the side walls** of the rear cover 51.

With respect to the feature of *at least one deformable coupling bearing a groove*, the Examiner holds that the **corner** formed between the side wall and latch 57b meets the definition of a groove. However, we note that this 'corner' (groove) is not borne (carried) by either the side wall of the Nakamura's rear cover or the latch 57b. Note that the Examiner has not held that the side wall of the rear cover forms any part of the latch 57b. Accordingly the corner formed between the side wall and latch 57b fails to meet the requirement that the **deformable coupling, i.e., latch 57b, bearing the groove**. Without the side wall, no corner is formed.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Therefore, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29 and the rejection should not be sustained.

Accordingly, Nakamura fails to anticipate the claimed subject matter set forth by claims 5, 6, 21, 24, 25, 28, 29 and 32. Therefore, the rejection of claims 5, 6, 21, 24, 25, 28, 29 and 32 is deemed to be in error and should not be sustained.

#### **Claim 5**

Furthermore, claim 5 calls for *a pair of stops protruding from a rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel*.

Claim 5 stands or falls alone and is patentably different from claim 21 in that it differs from claim 21 by inclusion of a feature pertaining to *stops* not claimed in claim 21. Claims 6, 24, 28 and 32 stand or fall with claim 5.

With respect to claim 21, from which claim 5 depends, the Examiner referred to Nakamura's

element 61 as corresponding to the claimed *panel support*. On page 8 of the final rejection, paragraph 9, subparagraph 3), the Examiner refers us to a non-labeled element extending from the back of bezel 53, in Figs. 7A and 7B, next to the lower edge of back member 61.

With respect to Fig. 6, Nakamura discloses "FIG. 6 is a rear perspective view of the front bezel 53 of the lid 50 with the rear cover 51 removed. Referring to this figure, the front bezel 53 and a back member 61 **are integrally formed** (i.e., inseparable)." See col. 7, lines 49-52.

Thus, if back member (panel support) 61 is integrally formed with front bezel 53, then it is clear that the panel support will not move. Therefore, there are no stops necessary to *prevent the panel support from moving across a plane of the panel*.

The foregoing is addressed on pages 10-11 of the Examiner's Answer, suggesting that the since Nakamura uses the phrase "integrally formed" means to make inseparable, see col. 7, lines 49-52, that "it would be reasonable to say that the front bezel 53 and support back member 61 are two separate elements formed together by unspecified means."

It is not clear why the Examiner makes the foregoing observations, as claim 5 does not mention "integrally formed."

Claim 5 calls for *stops* necessary to *prevent the panel support from moving across a plane of the panel*.

Nakamura discloses notches 57a' and 57b', which engage the respective latches 57a and 57b, are formed in the side edges of the front bezel 53. The external surface of the back member 61 is almost the same size as the internal surface of the rear cover 51. Therefore, when **the rear cover 51 is pushed from the back with the latches 57a and 57b** being held in alignment of the ribs 63a and 63b, the latches are guided by the ribs 63a and 63b while sliding across the guide faces 64a and 64b

until they finally engage the notches 57a' and 57b'. The attachment of the rear cover 51 is therefore an easy procedure for a user to perform.

As highlighted above, it is the rear cover 51 and latches 57a and 57b which will deform to push outwardly.

The Examiner then erroneously states "the latch 57b will slide along face 64b and push support back member [the claimed *panel support*] 61 inwardly . . .". There is no disclosure of such inward pushing found in Nakamura. Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Note also that the Examiner indicates that these (apparent) stops are not disclosed in the specification, and that Nakamura is silent with respect to reasons for having such (apparent) stops. The Examiner then goes on to state "it may have been obvious to one of ordinary skill in the art."

Since the rejection is based on §102 and not §103, the holding of obviousness in a §102 rejection is improper. Further, changing the rejection to a §103 rejection would not support the Examiner's holding that the indicated non-labeled elements are necessary *to engage the panel support and prevent the panel support from moving across a plane of the panel*, because the panel support 61 is integrally formed with bezel 53 **and cannot move across a plane of the panel** anyway.

On page 11 of the Examiner's Answer, the Examiner states "The Examiner has never written 'it may have been obvious to one of ordinary skill in the art' in the 102 rejection."

We refer to the final Office action, page 8, section 3), which addressed the Applicant's



arguments regarding the 102 rejection of claim 5. Appellant understands that the Examiner's "Response to Arguments" form part of the rejection(s).

If that is not the case, then there would be no need for the Appellant to respond to section (10), pages 7-12, of the Examiner's Answer, and no need for the Board to consider these arguments.

Accordingly, the rejection of claim 5, and similarly, claims 6, 24, 28 and 32 which all claim a *stop*, is deemed to be in error and should not be sustained.

**B. Claims 15, 16, 22, 23, 26, 27, 30 and 31 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. The Applicant respectfully traverses this rejection for the following reason(s).**

Claims 15, 16, 22, 23, 26, 27, 30 and 31 depend from independent claims 21, 24 or 29, and thus include the features set forth by claims 21, 24 or 29. Accordingly, claims 22, 23, 26, 27, 30 and 31 are deemed to be allowable over Nakamura for the same reasons as outlined regarding the §102(b) rejection.

Additionally, claims 15, 16 are similar to claim 5, and thus are not disclosed nor taught by Nakamura since there is a need for such *stops* due to the panel support 61 and bezel 53 being integrally formed.

#### **Claim 22**

Claim 22 differs from claim 21 and is separately patentable in view of the claim calling for one rib (or coupling) **disposed at each corner** portion of the rear cover, and a corresponding coupling

(or rib) **disposed at each corner** portion of the bezel. Claim 21 does not specify where the ribs and couplings are disposed.

The Examiner erroneously holds such positioning of the ribs and couplings in Nakamura to be a mere duplication of rearrangement of parts involving routine skill in the art (MPEP §2144.04).

Note that the intension and desire for Nakamura's positing of parts (latches and notches) is to make the disassembly and reassembly of the front (bezel) and rear lid portions of a lid relatively simple operations. Nakamura's description of Figs. 3A and 3B and Figs. 10A and 10B outline this simple procedure. See col. 6, line 62-col. 7, line 6 and col. 9, line 61-col. 10, line 10.

The Examiner's statement on page 8 of the final rejection, paragraph 9, subparagraph 4) is not understood, and thus does not appear to provide support for the Examiner's position.

Placing latches and notches in the four corners of the front (bezel) and rear lid portions will not allow the front (bezel) and rear lid portions to be **easily separated** in the manner described by Nakamura. It is quite understood by one of ordinary skill in the art that the side walls of the rear lid portion which are easily deformable along a central portion of the side wall, where as, the side walls would not be easily deformable near the four corners. Note that the claims also stipulate that the ribs and coupling be *disposed at each corner portion*, not **near** each corner portion, and if such were the case in Nakamura, the separation of the bezel from the rear lid would become extremely difficult.

Accordingly, duplicating Nakamura's parts would require more steps in separating the two lid portions, and repositioning those parts to the four corners would prevent the desired easy separation from being performed at all.

Such a modification would destroy the intended purpose of Nakamura's device such that it would no longer be able to function as intended, and such destruction is an important indication of

non-obviousness, see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Examiner's Answer addresses, on page 12, the rejection of claim 22, but does not address the foregoing arguments as provided in the Appeal Brief.

Note that Nakamura's is clearly advantageous over one using more than two latches, since it would clearly be harder to separate the front bezel from the rear cover if more than two latches were utilized.

Accordingly, the rejection is deemed to be in error and should not be sustained.

**C.            Claims 7 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. in view of Lee et al. The Applicant respectfully traverses this rejection for the following reason(s).**

Claims 7 and 17 are deemed to be allowable over the applied art at least for the same reasons discussed above with respect to their parent claims, as Lee fails to teach or suggest modifying Nakamura to include the features noted above as lacking in Nakamura.

#### **Claim 7**

*Uniroyal, Inc. v Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988) states: "Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination"; and cites *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984), which cites *In re Imperato*, 486 F.2d 585, 179 USPQ 703 (CCPA 1973).

Claim 7 calls for a hook formed at a leading edge of each stop, and is therefore separately patentable from claims 6 and 21. Claim 7 stands or falls alone and claim 17 stands or falls with claim 7.

Here, claim 7 requires that *a hook is formed at a leading edge of each stop for engaging an edge of the panel support.*

The Examiner discusses Lee's "stops" (535). Lee discloses protrusions 535 are formed at the rear surface of the front case 500 along its edge, and are inserted into coupling holes 450 to be fixed to the main chassis 400. Here, the Examiner refers to Lee's main chassis as a "panel support", and indicates that protrusions 535 engage the main chassis (panel support) 400 "and prevent the panel support from moving across a plane of a panel (300 . . ."

As has already been discussed above, Nakamura's panel support 61 is integrally formed with front bezel 53 **and therefore is incapable of moving across a panel** bearing screen 52. Therefore one of ordinary skill in the art would have no motivation to look to Lee for a teaching of how to prevent a panel support from moving across a plane of a panel, since the panel support is already incapable of moving across a plane of a panel.

Accordingly, there is no teaching in Lee which would have moved one of ordinary skill in the art to modify Nakamura to incorporate any of the features described by Lee, as no advantage will be gained by doing so. See *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983) which states: "prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary

to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also *In re Mercer*, 515 F.2d 1161, 1165-66, 185 USPQ 774, 778 (CCPA 1975).

The Examiner's statement on page 8 of the final rejection, paragraph 9, subparagraph 5) is not understood, and appears to provide support for the Applicant's position.

On page 12 of the Examiner's Answer the Examiner states, "the hook taught by Lee would better hold the display apparatus in place as taught by Lee."

Since there are no stops taught by Nakamura, and there has been no *prima facie* showing that stops would be necessary in Nakamura, then clearly there is no showing of a need for hooks on such non-existing stops.

Additionally, In Nakamura the liquid crystal display panel 52 is sandwiched between the front bezel 53 and the back member 61, and there has been no showing that the display apparatus (liquid crystal display panel 52) would be better held in place by the hooks taught by Lee. Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Accordingly, the rejection of claims 7 and 17 is deemed to be in error and should not be sustained.

**D. Claims, 3, 10 and 20 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. in view of Sasai et al. (US 6,426,803). The Applicant respectfully traverses this rejection for the following reason(s).**

This rejection is considered to be a new ground of rejection since the Examiner applied the Lee reference instead of the Nakamura reference in the final rejection.

Nakamura discloses, with respect to Figs. 3A and 3B, the procedure required for a user to remove the rear cover 51 from the front bezel 53.

As is shown in FIG. 3A, a user first places his or her thumbs on latches 57a and 57b, which are provided on the side edges of the rear cover 51. Then, the user applies sufficient pressure with this thumbs to force the latches 57a and 57b outward and to disengage them and with additional pressure, to force the rear cover 51 back until it is separates from the front bezel 53. Since the rear cover 51 is integrally formed with the light diffusion plate 55, the liquid crystal display panel 52 after the rear cover 51 has been removed, as is shown in FIG. 3B.

### **Claim 3**

Claim 3 is directed towards the display apparatus according to claim 21, further comprising *at least one tool access hole formed through the rear cover for permitting a tool to be inserted through the rear cover to disengage the coupling and the rib.*

Since the user of Nakamura's invention need only place his or her thumbs on latches 57a and 57b and apply pressure, then there is no need for an access hole in Nakamura.

Additionally, it is clear then that the Examiner's suggestion of modifying Nakamura based

on the teachings of Sasai is based on hindsight knowledge of the Appellant's claimed invention, not on what one of ordinary skill in the art would have determined based on Nakamura's disclosure.

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). See also *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985).

Additionally, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d at 1075, 5 USPQ2d at 1600.

There has been no showing that the method of separating the back cover from the front bezel as taught by Nakamura, is deficient and there was no apparent disadvantage in Nakamura. Also, there has been no showing that Sasai's method would be an improvement over Nakamura or correct any problem/disadvantage with Nakamura's method.

That a prior art device could be modified to produce the claimed device does not justify an obviousness rejection unless the prior art suggested the modification's desirability. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Instead, one of ordinary skill in the art would have considered Sasai's method and means to be disadvantageous compared to Nakamura's method and mean because Sasai requires an additional tool to remove the upper cover 200 from lower cover 100. Thus Nakamura's invention is easier to use than Sasai's. See *Winner International Royalty Corp. v. Wang*, 11 F. Supp. 2d at 23-24, 48 USPQ2d 1139 at 1143-44 (June 1998):

The Board had found that one skilled in the art (1) "would have considered Johnson's dead-bolt-type locking device to be disadvantageous compared to the Moore and

WuROC devices to the extent that Johnson requires a key for setting in position and adjusting the device," and (2) "would have been motivated to make Johnson easier to use, albeit less secure, by replacing the dead-bolt mechanism" of Johnson with a suitable self-locking ratcheting mechanism. The district court found that these factual findings were "clearly erroneous" and found that adequate motivation to combine the references was not shown.

Accordingly, the rejection of claim 3 is deemed to be in error and should be withdrawn.

#### **Claim 10**

Claim 10 is directed towards the display apparatus according to claim 21, further comprising *a skirt of the bezel having a rabbetted edge and a skirt of the rear cover having a rabbetted edge that overlap when said bezel and said rear cover are coupled together.*

In Nakamura, the front bezel 53 is inserted into the rear cover 51 as shown in Fig. 10a. The advantage being the result of a thinner notebook computer than would have been possible had the front bezel and rear cover had rabbetted skirts that overlapped as taught by Sasai.

Accordingly, on of ordinary skill in the art would not have been motivated to modify Nakamura, as the desire for thinner notebook computers, such as the IBM ThinkPad.RTM. 755CE/755CSE/755CD mentioned in Nakamura, is well known. That a prior art device could be modified to produce the claimed device does not justify an obviousness rejection unless the prior art suggested the modification's desirability. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the rejection of claim 10 is deemed to be in error and should be withdrawn.



**Claim 20**

Claim 20 is directed towards the display apparatus according to claim 27, further comprising *a skirt of the rear cover having a rabbetted edge and a skirt of said bezel having a rabbetted edge that overlap when said bezel and said rear cover are coupled together.*

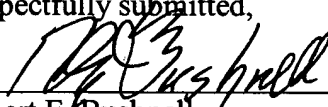
In Nakamura, the front bezel 53 is inserted into the rear cover 51 as shown in Fig. 10a. The advantage being the result of a thinner notebook computer than would have been possible had the front bezel and rear cover had rabbetted skirts that overlapped as taught by Sasai.

Accordingly, on of ordinary skill in the art would not have been motivated to modify Nakamura, as the desire for thinner notebook computers, such as the IBM ThinkPad.RTM. 755CE/755CSE/755CD mentioned in Nakamura, is well known.

That a prior art device could be modified to produce the claimed device does not justify an obviousness rejection unless the prior art suggested the modification's desirability. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the rejection of claim 20 is deemed to be in error and should be withdrawn.

Respectfully submitted,

  
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VIII. APPENDIX

CLAIMS UNDER APPEAL

1           3.       The display apparatus according to claim 21, further comprising at least one tool  
2       access hole formed through the rear cover for permitting a tool to be inserted through the rear cover  
3       to disengage the coupling and the rib.

1           5.       The display apparatus according to claim 21, further comprising at least a pair of  
2       stops protruding from a rear surface of the bezel to engage the panel support and prevent the panel  
3       support from moving across a plane of the panel.

1           6.       The display apparatus according to claim 21, further comprising at least four stops  
2       disposed to be adjacent to four corner portions of a rear surface of the bezel, and protrude from said  
3       rear surface of the bezel to engage the panel support and prevent the panel support from moving  
4       across a plane of the panel.

1           7.       The a display apparatus according to claim 6, wherein a hook is formed at a leading  
2       edge of each stop for engaging an edge of the panel support.

1           10.      The display apparatus according to claim 21, further comprising a skirt of the bezel  
2       having a rabbetted edge and a skirt of the rear cover having a rabbetted edge that overlap when said  
3       bezel and said rear cover are coupled together.

4           15.     The display apparatus according to claim 27, further comprising at least a pair of  
5 stops protruding from an inner surface of the bezel to engage the panel, to prevent the panel from  
6 moving.

1           16.     The display apparatus according to claim 27, further comprising at least four stops  
2 disposed to be adjacent to four corner portions of a rear surface of the bezel, and protrude from said  
3 inner surface of the bezel to engage the panel and prevent the panel from moving.

1           17.     The a display apparatus according to claim 16, wherein a hook is formed at a leading  
2 edge of each stop for engaging an edge of the panel.

1           20.     The display apparatus according to claim 27, further comprising a skirt of the rear  
2 cover having a rabbetted edge and a skirt of said bezel having a rabbetted edge that overlap when  
3 said bezel and said rear cover are coupled together.

1           21.     A display apparatus, comprising:  
2 a panel bearing a screen disposed to display varying visual images;  
3 a panel support holding the panel;  
4 a bezel framing a front periphery of the panel;  
5 a rear cover removably mating with said bezel while encasing said panel held by said panel  
6 support;  
7 at least one rib formed to project from a peripheral surface of a first one of the bezel and the

8 rear cover; and

9 at least one deformable coupling bearing a groove, extending from an inner surface of a  
10 different one of the bezel and the rear cover, oriented to embrace a correspond rib during said  
11 mating, wherein the rib is inserted in the groove.

1 22. The display apparatus of claim 21, comprised of:

2 one said rib disposed at each corner portion of the rear cover; and  
3 a corresponding said coupling disposed at each corner portion of the bezel.

1 23. The display apparatus of claim 21, comprised of:

2 one said coupling disposed at each corner portion of the rear cover; and  
3 a corresponding said rib disposed at each corner portion of the bezel.

1 24. The display apparatus of claim 21, comprised of:

2 at least one stop extending from an inner surface of said bezel engaging said support while  
3 maintaining said bezel surrounding said screen.

1 25. A display apparatus, comprising:

2 a panel bearing a screen disposed to display varying visual images;  
3 a bezel framing a front periphery of the panel;  
4 a rear cover removably mating with said bezel while encasing said panel;  
5 at least one rib formed to project from a peripheral surface of a first one of the bezel and the

6 rear cover; and

7 at least one deformable coupling bearing a groove, extending from an inner surface of a  
8 different one of the bezel and the rear cover, oriented to embrace a corresponding rib during said  
9 mating, wherein the rib is inserted in the groove.

1 26. The display apparatus of claim 25, comprised of:

2 one said rib disposed at each corner portion of the rear cover; and  
3 a corresponding said coupling disposed at each corner portion of the bezel.

1 27. The display apparatus of claim 25, comprised of:

2 one said coupling disposed at each corner portion of the rear cover; and  
3 a corresponding said rib disposed at each corner portion of the bezel.

1 28. The display apparatus of claim 25, comprised of:

2 at least one stop extending from an inner surface of said bezel engaging said panel while  
3 maintaining said bezel against said screen.

1 29. A display assembly, comprising:

2 positioning a bezel to frame a front periphery of a panel bearing a screen disposed to display  
3 varying visual images;

4 aligning at least one rib formed to project from a peripheral surface of a first one of the bezel  
5 and a rear cover to engage a groove borne by at least one deformable coupling extending from an

6 inner surface of a different one of the bezel and the rear cover; and  
7 encasing the panel between the bezel and the rear cover when removably mating the bezel  
8 with the rear cover by moving the bezel and rear cover together until the rib is inserted in the groove.

1 30. The display assembly of claim 29, comprised of:  
2 positioning one said rib at each corner portion of the rear cover; and  
3 positioning a corresponding said coupling at each corner portion of the bezel.

1 31. The display assembly of claim 29, comprised of:  
2 positioning one said coupling at each corner portion of the rear cover; and  
3 positioning a corresponding said rib at each corner portion of the bezel.

1 32. The display assembly of claim 29, comprised of:  
2 forming at least one stop extending from an inner surface of said bezel engaging said panel  
3 while maintaining said bezel against said screen.

**IX. EVIDENCE APPENDIX**

None

**X. RELATED PROCEEDINGS APPENDIX**

None